

A G E N D A

LICENSING COMMITTEE

Tuesday 8 September 2015 at 6.00 pm
The Council Chamber, Royal Tunbridge Wells, Kent TN1 1RS

Members: Councillor Backhouse (Chairman), Councillors Mrs Cobbold, Dawlings, Hills, Jamil, Noakes, Sloan (Vice-Chairman), Tompsett, Williams, Woodward, Heasman, Huggett, Nuttall and Patterson

Quorum: 4 Members

1 Apologies for Absence

2 Declarations of Interest:

To receive any declarations of interest by members in items on the agenda. For any advice on declarations of interest, please contact the Monitoring Officer.

3 Notification of Visiting Members wishing to speak (in accordance with Council Procedure Rule 18):

Members should indicate which item(s) they wish to speak on and the nature of their concern/question/request for clarification.

4 Minutes of the Previous Meeting dated 21 July 2015 (Pages 1 - 8)

5 Report of Head of Environment and Street Scene

(A) Consideration of Street Trading Policy (Pages 9 - 32)

6 Urgent Business:

To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.

7 Date of Next Meeting: 1 December 2015

Emily Metcalf
Democratic Services Officer

Town Hall
ROYAL TUNBRIDGE WELLS
Kent TN1 1RS
Tel: 01892 554007

Notes on Procedure

- (1) A list of background papers appears at the end of each report, where appropriate, pursuant to the Local Government Act 1972, section 100D(i). Items marked * will be the subject of recommendations by Licensing Committee to full Council; in the case of other items, Licensing Committee may make the decision.
- (2) Members seeking factual information about agenda items are requested to contact the appropriate Service Manager prior to the meeting.
- (3) Members of the public and other stakeholders are required to register with the Committee Section if they wish to speak on an agenda item at a meeting. Places are limited to a maximum of two supporters and two objectors. The deadline for registering to speak is 4.00 pm the last working day before the meeting. Each speaker will be given a maximum of 3 minutes to address the Committee.
- (4) Please note that this meeting may be recorded or filmed by the Council for administrative purposes. Any other third party may also record or film meetings, unless exempt or confidential information is being considered, but are requested as a courtesy to others to give notice of this to the Committee Administrator before the meeting. The Council is not liable for any third party recordings.

Further details are available on the website (www.tunbridgewells.gov.uk) or from the Committee Section.

- ◇ If you require this information in large print, Braille, on audiotape or in any other format, please contact us on 01892 526121
- ◇ **Accessibility into and within the Town Hall - In response to the requirements of the Disability Discrimination Act 1995, the Council has provided the following features to overcome physical barriers to access.**
There is a wheelchair accessible lift by the main staircase, giving access to the first floor where the committee rooms are situated. There are a few steps leading to the Council Chamber itself but there is a platform chairlift in the foyer.
- ◇ **Hearing Loop System - The Council Chamber and all the Committee Rooms have been equipped with hearing induction loop systems. The Council Chamber also has a fully equipped audio-visual system.**

LICENSING COMMITTEE

Tuesday, 21 July 2015

Present: Councillor Bob Backhouse (Chairman)
Councillors Mrs Cobbold, Heasman, Huggett, Jamil, Nuttall, Patterson, Sloan (Vice-Chairman), Tompsett, Williams and Woodward

Officers in Attendance: Sharon Degiorgio (Senior Licensing Officer), Robin Harris (Senior Lawyer (Contentious)), Emily Metcalf (Democratic Services Officer), Claire Perry (Licensing Partnership Manager) and Gary Stevenson (Head of Environment and Street Scene)

APOLOGIES FOR ABSENCE

LC38/15 Apologies for absence were received from Councillors Dawlings, Hills and Noakes.

DECLARATIONS OF INTEREST

LC39/15 No declarations of interest were received.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK (IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 18)

LC40/15 No visiting members had registered to speak at the meeting.

MINUTES OF THE PREVIOUS MEETING

LC41/15 The Chairman, Councillor Backhouse, invited Ms Smith, who was representing her business Mrs Florist, to speak on the matter of the previous meeting's minutes. Ms Smith said that at the previous meeting, on 10 March 2015, it was decided that the street trading scheme would end, which she believed was wrong because this was not a recommendation in the report published in the meeting's agenda. As a consequence, she did not register to speak against it, even though she would have liked to had she known that this was going to be a recommendation. She said that she would like the item to be put on the agenda for the September meeting so that it could be discussed again then.

All Councillors agreed that the item would be reviewed in September.

Councillor Tompsett then proposed a couple of amendments to the previous meeting's minutes, which included:

- Adding "at 3pm" to "regarding accessing a WAV at the rank" on page 3 in the penultimate paragraph.
- Adding "in Ely Court" to "there were a number of empty units along the precinct" on page 6 in the last paragraph.

RESOLVED:

- 1) That the Street Trading Policy and Fees Review be reconsidered in the next meeting on 8 September 2015; and
- 2) That the previous meeting's minutes be approved subject to the agreed amendments.

WHEELCHAIR ACCESSIBILITY AND SEATING CONFIGURATION REPORT

LC42/15 Ms Degiorgio, the Senior Licensing Officer, presented a report on the wheelchair accessibility and seating configuration consultation. She informed the Committee that a public consultation had taken place to explore five options relating to the policy concerning deregulation and Wheelchair Accessible Vehicles (WAVs). These options were set out in paragraph 16 of the report. The report also considered the policy relating to the seating configuration of Multi Purpose Vehicles (MPVs). Ms Degiorgio wished to draw attention to the fact that it was necessary to exclude 47 hard copy responses to the consultation over doubts of their legitimacy, and stated that on this basis 155 valid responses were received. Ms Degiorgio pointed out that if the Committee did decide to amend the Policy on MPV seating configuration, it would have further implications on vehicles that were restricted on passenger capacity, such as the Vauxhall Zafira.

The Chairman said that they would split the consideration into two parts, and began with conclusion two on page 14 regarding deregulation and the provision of WAVs. He invited Mr England, Vice-Chair of the Access Group, to speak on the subject.

Mr England said that the CTS Traffic and Transportation Independent Hackney Carriage Services report demonstrated many failings in the borough when it came to WAV availability, and expressed that he wanted a compromise that would suit both the taxi trade and disabled passengers. He cited the example of Brighton and Hove City Council, who had increased the number of WAVs by making it compulsory for the vehicle at the time of replacement or renewal of a licence to be accessible. He supported option three in the consultation as a result.

Ms Conlon, a representative for the Hackney Drivers Association, was then invited to speak. She began by saying that the instance of fraud cited in paragraph 12 of the report should be investigated by the Council, as the person involved would not be considered a 'fit and proper' person to hold a licence, as stated in the Council's policy, if they were a taxi driver. She then discussed deregulation, and said that taxi drivers would struggle to make a living if it took place. She cited the example of Tonbridge, which she said was flooded with hackney carriages after deregulation, and she urged councillors to dismiss this change. She also wanted councillors to vote against increasing WAV numbers as there was no new legislation to make fleets 100 per cent WAV, and as changing plates to WAV on a renewal of a licence would be a burden on licence holders. She believed that changing a plate to WAV upon change of ownership would be better, citing option one as her preference. She also wished to clarify that only hackney carriages, and not private hire vehicles, would be affected by deregulation.

Councillors Patterson and Woodward asked Ms Conlon to expand on the issue she raised concerning fraud. Ms Conlon said that she could not confirm that the IT responses were fraudulent, but said that some responses appeared to have been copied and pasted with the same errors. The Chairman asserted that officers followed set procedures to protect against fraud, and so were experienced in filtering out the suspicious responses.

Mr Maynard, a proprietor, was then invited to speak. He said that he had

wheelchair accessible hackney carriages for several years, and had only carried two disabled passengers in his first vehicle, and to date carried no disabled passengers in his second, which he had owned for just under two years. He said that he would be in debt if he had to get a WAV, as the demand was not there for them. He stated that taxi drivers were not financed by any government organisation, and that WAVs were very expensive. He asserted that there would be another 100 taxis if deregulation occurred.

Councillor Tompsett asked what was so different about Tunbridge Wells that meant it was seeking 35-50 per cent WAV composition to settle demand, as opposed to 100 per cent as seen in other areas. Mr Maynard replied that the service was not required because disabled passengers were being taken care of by private hire vehicles. In response to a question from Councillor Tompsett regarding the saturation of the taxi rank, Mr Maynard clarified that the rank was saturated with taxis, not WAVs, but there was limited room, and WAVs in particular would take up too much space.

Councillor Tompsett highlighted in the CTS report that the 'mystery shopper' spent several days in Tunbridge Wells but never saw a WAV on either side of the train station. Mr Maynard disagreed and said that he saw many at one time. Councillor Tompsett picked out more of the report to illustrate that there was unmet demand for WAVs in the town. Mr Maynard argued that this related to private hire vehicles, then stated that he preferred option three from the report.

Mr Berry was invited to speak. He said that if deregulation occurred in Tunbridge Wells, then in five years there would be hundreds of taxis, and that the industry could suffer as a result. He stated that the councils in Cambridge and Crawley had to impose capping on their taxis as they could not cope with deregulation. Mr Berry felt that this council should introduce capping and he supported option three in the report.

Councillor Tompsett raised the point that most licensing authorities in England and Wales (75 per cent) did not impose restrictions.

Mr Berry then said that they had paid for a new report to see if more vehicles were needed, and that it would be finished in eight months. He clarified that the upcoming report would be independently conducted and impartial.

Councillor Tompsett said that the Maidstone and Gravesend fleets were 100 per cent WAV, and even Canterbury had 50 per cent WAV composition, so he was still puzzled as to why Tunbridge Wells could not achieve this. Mr Berry explained that Tunbridge Wells had no colleges like Maidstone and Canterbury did, and did not have a social scene that was as extensive as Maidstone's, meaning that there was less demand for taxis. He stated that option three would, however, still allow the WAV number to increase.

Councillor Woodward raised the point that the independent report being discussed was not included in the appendices of the report. Ms Degiorgio clarified that it was included in the background papers, and Mr Stevenson, the Head of Environment and Street Scene, explained that the conclusion took information from this report, which was included in the agenda in September and December 2013 when the report was considered and a decision was taken by the Committee.

Councillor Williams wished to note that the accusation of fraud was serious, and he requested that a review of consultation practices took place. The Chairman asked officers to comment on protocol, and Mr Stevenson stated that they would examine the consultation portal and endeavour to strengthen the security measures around it if necessary.

Councillor Woodward said that he supported option five on the report, as he believed that it would be better to wait until 2016 for the new demand report to be published to make a more informed decision on the matter.

Councillor Heasman asked Ms Degiorgio about the inadequate number of spaces for the taxi vehicles, and she explained that taxis who had previously been limited to just the rural areas were now able to work in town areas, and the hours worked by taxi drivers had increased, both of which limited the number of spaces available. She added that there was no requirement for the Council to provide rank spaces for the trade.

The Committee proceeded to discuss the second part of the report concerning multipurpose vehicle seating configuration. Mr Harris said that the consultation demonstrated that there was a strong view that seats should be allowed to be folded or slide forward to provide access for the rear most seats, showing general disagreement with the current policy.

RESOLVED:

- 1) That the Council's Hackney Carriage and Private Hire Licensing Policy not be amended with regard to the current status of a mixed fleet (Saloon, MPV & WAVs) of taxis; and
- 2) That the Council's Hackney Carriage and Private Hire Licensing Policy be amended to allow seats to be folded or slide forward to provide access to the rear most seats.

DRAFT STATEMENT OF PRINCIPLES - GAMBLING ACT 2005 - 2016

LC43/15 Mrs Perry, the Licensing Partnership Manager, presented the Revised Statement of Principles for the Gambling Act 2005 Policy. She explained how, since the last revision, there had been a number of changes to the Gambling Act 2005, and therefore the Licensing Authority would have a secure foundation on which to determine applications in a way that promoted the licensing objectives.

RESOLVED:

That the draft policy be approved for consultation.

LICENSING PARTNERSHIP UPDATE REPORT

LC44/15 Mrs Perry presented a report on the 2015 Licensing Partnership update. She said that performance had increased year on year, indicating that the Partnership had been operating effectively.

Councillor Woodward raised concern over objective two in the report, questioning whether there were enough resources for this endeavour, and was reassured that there would be.

Councillor Williams commented that the Partnership had been a terrific success, and then congratulated Mrs Perry on her efforts. He proceeded to ask whether the three councils in the Partnership had made progress on aligning their policies to make the back office processes easier. Mrs Perry replied that gambling activities were very similar within the areas of all three authorities, therefore there was no need to significantly differentiate when drafting the policies. Mrs Perry advised that over the next 12 months the hackney carriage and private hire licensing policy would be reviewed. Mrs Perry explained that there were differences in policy for taxis, such as having London-style hackney carriage taxis in Maidstone, a white mixed fleet in Tunbridge Wells, and no restrictions in Sevenoaks (but with an aim to bring in accessible vehicles there), but processes would be aligned where possible in the future.

Councillor Heasman said that he was pleased with objective three, as he believed that the internet could be used to make licensing more efficient, but he commented that badly designed forms could make life more difficult, and proposed that more efforts were put into improving online applications and forms.

Mrs Perry said that the online forms for licensing had been a Partnership success, and that the councils of Westminster, Kensington and Chelsea, and Hammersmith and Fulham were working with them to achieve similar results. Mrs Perry said that publicity would take place once all the systems had been successfully tested.

In response to a question by Councillor Tompsett regarding officer time spent on taxi driver enquiries, Mrs Perry responded that demand management was being investigated, which would include changes to correspondence sent to licensees. She said that Maidstone and Sevenoaks' policies were being amended to facilitate accompanying documentation for renewal applications, and therefore the policy at Tunbridge Wells would also be changed to mirror this. She commented that drivers were being encouraged to sign up to the online Disclosure Barring Service too, which would reduce the need for a meeting every three years with the driver to complete the form.

Councillor Woodward then pointed out an error on page 197, saying that some wording appeared to be missing from the description of the third item in the table. Mrs Perry responded that the same indicator could be seen on page 196, which demonstrated how it should have been phrased. The missing text was as a result of how this indicator appeared at each authority.

Councillor Woodward then sought clarification on who set the targets for the Licensing team, and how often they were reviewed. Mr Stevenson advised that the service was overseen by the Partnership Board, which brought together the Heads of Service from Maidstone, Sevenoaks and Tunbridge Wells, who met four times a year and reviewed targets on an annual basis.

RESOLVED:

- 1) That the service objectives will be implemented; and
- 2) That an update report will be brought annually to the Licensing Committee at the first meeting in the new municipal year.

IMPLICATIONS FOR THE LICENSING PARTNERSHIP FOLLOWING THE REPORT OF INSPECTION OF ROTHERHAM METROPOLITAN BOROUGH COUNCIL BY LOUISE CASSEY CB - FEBRUARY

LC45/15 Mrs Perry presented a report on the implications for the Licensing Partnership following the Report of Inspection of Rotherham Metropolitan Borough Council by Louise Cassey CB. Mrs Perry said that it was important to confirm what measures were in place to prevent corruption and to identify the key learning points of Rotherham's misconduct. There was an emphasis on driver and officer training, and Mrs Perry explained a pilot by Tonbridge and Malling Borough Council which had started to work with the taxi trade on safeguarding issues. Mrs Perry said that similar training would be provided in this borough.

Councillor Williams proposed that every representation made by an elected member of the Council should be logged or produced in an annual report, as he did not want to see the same mistakes as those that occurred at Rotherham happen. Mr Harris agreed that this was a good point to note, but not a licensing issue; he said that it was a matter for Full Council to consider, but pointed out that there was an officer-member protocol already in place to prevent such things from happening.

Councillor Williams referred to the issue of pressure on staff, and asked Ms Degiorgio how often enforcement visits were carried out in Tunbridge Wells. She replied that there was a programmed enforcement regime in place that the trade was not informed of in advance for obvious reasons.

RESOLVED:

- 1) That the recommendations in the report be noted; and
- 2) That the Licensing Committee authorise the Head of Service for Environment and Street Scene to implement the recommendations contained in the report.

STATEMENT OF LICENSING POLICY - DRAFT POLICY 2015

LC45/15LC /1 Ms Degiorgio presented the Draft Statement of Licensing Policy 2015. She said that due to the limited number of responses received from consultees, it appeared that there was general satisfaction with the current policy. She added that the few recommendations put forward by a representative of Kent Police could be seen in Appendix E of the report.

Councillor Sloan asked how to ensure that drivers or anyone concerned with policies read them, and Ms Degiorgio responded that in the development of the new online forms there would be a box that applicants would have to tick saying that they had read and understood the policy. With regards to premises licensing, Ms Degiorgio indicated that many applicants for this type of licence would have considered the council's policy in order to assist their completion of the Operating Schedule, which formed a significant part of the application and then would become a condition of their licence.

RESOLVED:

That the draft policy be approved for presentation to Full Council on 14

October 2015 for adoption.

NOTE:

- 1) Councillor Nuttall left the meeting at 7.30 pm, after discussion of minute item LC42/15.
- 2) The meeting concluded at 8.12 pm.

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Consideration of Street Trading Policy.

To: Licensing Committee

Date: 8 September 2015

Main Portfolio Area: Sustainability

Author of report: Sharon Degiorgio, Senior Licensing Officer

Classification: Non-Exempt

Ward: All Wards

SUMMARY

This report reconsiders the Council's street trading policy.

On 24 July 2013 Full Council resolved to designate certain streets in Royal Tunbridge Wells as 'Consent' streets for the purposes of street trading.

On 25 September 2013 the draft street trading policy was approved by the Licensing Committee and Members resolved to review the operation of the policy and the fee structure after six months. Due to the slow demand in taking up street trading opportunities, it was agreed with the Chair of the Licensing Committee to delay this exercise until after the 2014 Christmas period to ascertain if interest was expressed at this time.

This review was undertaken at the March 2015 meeting of the Committee, but following a representation by a holder of a street trading consent at the July 2015 meeting, it was agreed that a further report would be presented to the Committee in this meeting.

LINK TO STRATEGIC COMPASS

Passionate about PEOPLE – Consistency of our approach in delivering the service. All parties involved are communicated and engaged with.

Passionate about CUSTOMERS – Customers will effectively know what to expect from the licensing process and a fair hearing is provided to all parties involved.

Passionate about VALUE – By being open and transparent in our approach to administering the licensing regime the public can see the efficiency of the service.

Passionate about COMMUNITY – Supporting smaller businesses and helping to develop a vibrant town.

Report status: For Decision

Agenda Item 5(A)

Route to Implementation/Timetable: Subject to the decision of this Committee the fees and Policy will be amended after the meeting

BACKGROUND/INTRODUCTION

1. On 24 July 2013, Full Council resolved to designate certain streets in Royal Tunbridge Wells as consent streets for the purposes of street trading under schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, namely:
 - a) Calverley Road between its junctions with Mount Pleasant Road and Camden Road; and
 - b) Camden Road between its junctions with Quarry Road and Garden Road.
2. The reasons for amending the previous Tunbridge Wells street trading policy was to address the potential commercial need by ensuring that permitted street trading was properly regulated as to where, when and how it took place. Therefore, in allowing greater scope for local decision making, commercial activity could increase within Tunbridge Wells, as some individuals were attracted to shopping at markets. This could also increase the number of visitors to the Town Centre.
3. Initially a modest fee structure was agreed with a view to encourage interested parties to take up these business opportunities. At the outset, members set out guidelines as to the type and size of stalls they felt were appropriate. Despite this, the overall level of interest had been disappointing, with only two traders being granted a consent to operate:
 - Catherine Campbell, in Calverley Road precinct selling cherries with consent for a period of 43 days, however she did not take up the whole allocated dates due to selling all her stock.
 - Mrs Dawn Smith, trading as Mrs Florist, at 71-73 High Street, selling flowers, plants and all associated goods, with consent for a period of 93 days in 2014 and 102 days up to December 2015. These for various days of the week, predominately Friday and Saturdays.
4. In the case of the cherry seller, although the operator met the Council's criteria, complaints were still received from two local fruit farmers, who felt that by giving a 'Consent' on a high value single product (cherries) for a short period each year in a prime position (the Precinct), the stall holder was given a financial advantage, and was therefore unfair competition.
5. At the initial public consultation with local business and stake holders, this did not generate any particular preference to allow street trading; however, Members were keen to develop this opportunity for potential 'start up' businesses, though there would be a need to undertake a review of the initiative to establish its effectiveness.
6. At the time of the review in March 2015, Councillor Tompsett made a number of representations as a direct result of him receiving complaints from the local farmers in his Ward regarding the cherry sales stall. He made a number of suggestions to members for consideration:-
 - Stalls should be allocated in the first instance to applicants who live or have a business in our Borough. As local tax payers they are the ones funding this commercial "benefit".

Agenda Item 5(A)

- Stalls should then be offered to those who support the Farmers Market.
- Stalls should not be exclusively devoted to selling one or two high value products, competing directly with local shops that pay rent and rates 52 weeks of the year. In any event the £25 daily charge, which is less than the Farmers Market, seems so very low in these circumstances.
- Stalls should not be allowed to operate more than one day a week
- Public Liability insurance to be in the name of the applicant and covering the nature of the business, for example a street trader selling food.

None of the proposals raised by Councillor Tompsett suggested that street trading should cease.

7. The review did not envisage that street trading would cease. The report to the 10 March Committee requested Members to consider only the fee structure as part of the review process. However, due to the lack of interest from applicants to make use of the Calverley Road precinct Consents, the discussion suggested the possibility to cease future street trading activities.
8. In light of the representation made by Mrs Smith at the last Committee meeting, and to achieve clarity to the street trading policy, members are asked to reconsider the issue.
9. Depending on members' intentions regarding street trading, this will have a number of impacts which will vary on their view, which could also require Full Council approval to change the designation of streets. Officers will advise the Committee of the impact of any proposals presented at the meeting.
10. Input has been sought from Economic Development Team, who have expressed no specific views, as shown in Appendix B.
11. Comment has been received from a representative for the Camden Road Guild. Please refer to Appendix C.
12. At the time of writing this report, the Council has received 11 emails from a number of persons in support of Mrs Smith trading as Mrs Florist in the High Street. Please refer to Appendix D to observe these.

WHAT IS THE ISSUE THAT REQUIRES A DECISION AND WHAT DOES THIS MEAN FOR THE PEOPLE OF TUNBRIDGE WELLS?

13. Members are requested to reconsider the review of the street trading policy in light of the above information.

WHO HAVE WE CONSULTED AND HOW? (OR WHO WILL WE CONSULT FOLLOWING THE DECISION?)

14. No formal consultation has been carried out on the fees and detail of the street trading policy. The decision to designate streets for street trading has been subject to consultation that has previously been considered by the Committee.

HOW WILL THE DECISION BE COMMUNICATED?

15. The decision will be communicated at the meeting, and then it will be published on the Council's website.

WHAT ALTERNATIVE ACTION COULD WE TAKE?

16. No alternative course of action is available. Members need to review the street trading arrangements.

CONCLUSIONS

17. This item is to allow members to reconsider the street trading policy in light of the representation made at the July meeting, as well as the need to have a clear position statement.

RECOMMENDED -

- 1) That the Committee considers the position on street trading.

REASONS FOR RECOMMENDATIONS

To review and provide clarity with regard to street trading activity within designated 'Consent' streets within the Borough of Tunbridge Wells, and to determine the current street trading policy.

Contact Officer: Sharon Degiorgio – Senior Licensing Officer – Ext 3124
Gary Stevenson – Head of Environment & Street Scene – Ext 3314

Jonathan MacDonald
Deputy Chief Executive

Gary Stevenson
Head of Environment and Street Scene.

Background Papers

Minutes of the Licensing Committee – 13 June 2012 (LC6/12)
Minutes of the Licensing Committee – 5 December 2012 (LC19/12)
Minutes of the Licensing Committee – 12 June 2013 (LC7/13)
Minutes of the Full Council – 24 July 2013 (FC18/13)
Minutes of the Licensing Committee – 25 September 2013 (LC15/13)
Minutes of the Licensing Committee – 10 March 2015 (LC37/14)

APPENDICES TO REPORT

APPENDIX A - Cross Cutting Issues
APPENDIX B – Response from the Economic Development Team
APPENDIX C – Response from a representative for the Camden Road Guild
APPENDIX D - Emails of support for Mrs Smith trading as Mrs Florist

Title of Report: Consideration of Street Trading Policy

CROSS CUTTING ISSUES

LEGAL

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982;

Each application will be considered by the Senior Licensing Officer and must be treated on its own merits. There is no automatic right of appeal; however the Council will, where it considers appropriate, offer reasons for refusal.

1.
Human Rights Act
No issues arising

2.
VALUE FOR MONEY AND USE OF RESOURCES
Finance and other resources, including ICT

To generate an income stream to contribute towards recovering the costs of managing street trading within the borough. There is no readily available street trading module on our present database system. However a system for this area would not be very different to other areas of our database and this would mean that a system may be relatively easily developed.

3.
Staffing
It is anticipated that the management/monitoring of street trading could be managed within the existing resources.

4.
Value for Money
No issues arising.

5.
Risk Management
The Council needs to ensure that street trading is properly regulated.

COMMUNITY

6.
Safer & Stronger Communities
Conditions can specify where the holder of a Consent can trade and also the times at which he or she may do so.

7.
Section 17, Crime and Disorder Act 1998

Appendix A

Tunbridge Wells Borough Council is committed to complying with the principles of Section 17 Crime & Disorder Act 1998. Also, all departments must be able to demonstrate that in delivering and designing their services they have considered the implications or potential impacts around crime, disorder and antisocial behaviour.

8.
Environment / Sustainability

Traders will need to comply with the conditions attached to their Consent.

9.
Equalities

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	Application is not limited to one section of the Community.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	Application is not limited to one section of the Community.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		No adverse impacts.

10.
Health and Wellbeing
No issues arising.

Sharon Degiorgio

Subject: FW: Street trading

From: Hemant Amin
Sent: 12 August 2015 13:08
To: Sharon Degiorgio
Cc: Hilary Smith
Subject: RE: Street trading

Dear Sharon

I write following our conversation earlier today.

I confirm that I have not received any enquiries for street trading or market stalls in the Precinct or Camden Road (in its entirety).

However, you may find it useful to consult the Camden Road Guild in order to verify if they have any potential proposals for such activities to revive their area.

The contact details for representatives for the Camden Road Guild are:

Julie Copestake – Chair

Jilly Ball – Secretary

Kind regards

Hem.



Hemant Amin
Economic Development Officer - Business Liaison

T: 01892-554272 **Extn:** 3272

E: hemant.amin@tunbridgewells.gov.uk

Town Hall, Royal Tunbridge Wells, Kent, TN1 1RS

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Sharon Degiorgio

Subject: FW: Street trading arrangements - CAMDEN ROAD
Importance: High

From: Julie Copestake
Sent: 13 August 2015 14:29
To: Sharon Degiorgio
Subject: Re: Street trading arrangements - CAMDEN ROAD
Importance: High

Hi Sharon,

I haven't been able to speak to any other members of the Guild at the moment.

Whilst its an nice idea to retain the possibility of street trading on an ad hoc basis i.e. Being able to hold a christmas fayre, etc., I can't see such an event being held in Camden Road for the foreseeable future.

The problem we have is that such an event takes a lot of organisation, and as I am sure you can understand most of the shops on Camden Road are small businesses and no one has the time to put in to organising such an event.

If I get any other feedback I'll let you know.

Regards,
Julie Copestake
Director
Mirror Image Photography

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Sharon Degiorgio

Subject: FW: Mrs Florist - High Street - Tunbridge Wells

From: Tunbridge Wells Showroom
Sent: 19 August 2015 12:23
To: Gary Stevenson
Subject: Mrs Florist - High Street - Tunbridge Wells

Dear Gary

We understand that this lovely addition to our High Street is under threat of closure. We hope you will appreciate the disappointment and inconvenience this would cause us. The stall is a much valued addition to the retail assortment on offer at this end of the town – especially since the closure of the only florist here. It also makes for a wonderfully colourful display - so cheerful on a grey day. We all use the flower stall and are happy to recommend it to our customers too.

We therefore urge you to, and very much hope that you will re consider your decision.

Yours sincerely

Sue Cook,
Lydia Thorpe,
Emily Jepps,
Jane Gillett,
Sharon Sands

Tunbridge Wells Showroom



Tel : 01892 512121
4 High Street Tunbridge Wells Kent TN1 1UX

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Sharon Degiorgio

Subject: FW: mrs. florist / bod & ted

From:
Sent: 20 August 2015 10:06
To: Gary Stevenson
Subject: mrs. florist / bod & ted

Hi Gary,

I am just e-mailing to show our support for Mrs. Florist on the High Street. As a local independent trader, we find having the flower stall there is beneficial to us and our customers and it will be a real shame to see it go. Many of our customers come to see us and get some flowers at the same time. It certainly brightens up our lovely high street too!

Kind regards,

Sophie

Sharon Degiorgio

Subject: FW: Save Mrs Florist on the High Street

From: Keely Carter

Sent: 19 August 2015 18:22

To: Gary Stevenson

Subject: Save Mrs Florist on the High Street

- I understand you are the person to write to regarding granting licenses. We have been enjoying buying flowers from Mrs Florist since they've been on the High Street. They are a small family run local business who need our support and which we are happy to do. They offer an attractive display, beautiful flowers, they've worked hard to get this site and Dawn has been very entrepreneurial setting up this stall in the first place - why should they be punished?
Keely Carter

Sent from my iPad

Sharon Degiorgio

Subject: FW: MRS FLORIST

From: Sarah Bellamy
Sent: 19 August 2015 11:09
To: Gary Stevenson
Subject: MRS FLORIST

Good Morning

I am writing to offer my support for Mrs Florist. The stall on The Old High Street is very welcome at the end of the week, when all small businesses hope to be busy and need trade. There are many visitors as well as the residents who stroll around our beautiful town and the added bonus of seeing the beautiful colourful stall as well as being able to purchase flowers surely has to enhance the town and the profits we all need to be able to remain in business.

Regards

Sarah Bellamy
Director

Skinner's of Tunbridge Wells

Sharon Degiorgio

Subject: FW: Mrs Florist

-----Original Message-----

From: Fi Chi

Sent: 19 August 2015 15:20

To: Gary Stevenson

Subject: Mrs Florist

Dear Gary,

I understand that the Tunbridge Wells Borough Council are intending to ask Mrs Florist to cease trading at the end of the year.

As a small business trading on the High Street myself, I understand how difficult it is to make ends meet with such high rentals and business rates; in fact I am contemplating assigning my lease at the end of the year because I simply cannot afford to trade on the High Street. Enterprises such as Mrs Florist add colour and individuality to the High Street and provide an important service to businesses and residents alike.

I would definitely support that Mrs Florist can continue to trade from her 'corner' and feel that it would be both unfair and unwise to withdraw her license.

Best regards,

Fionah Rowland

Fi Chi

Sharon Degiorgio

Subject: FW: Mrs Florist - Trading

From: Vanessa Strauss
Sent: 19 August 2015 10:57
To: Gary Stevenson
Subject: Mrs Florist - Trading

Good morning Mr Stevenson

As a resident and business owner near the High Street, I walk often down past Javabeen and often stop for a coffee there to admire the flowers, buy some for friends family and occasions or just admire the beauty of the stall.

It is a very special stall, creates a lovely eye-catching community asset and is well frequented. It adds vibrancy and prettiness to the area too.

I would ask that her trading terms be reviewed and that she be allowed to stay, or extend her trading hours accordingly – especially during the busy seasons such as the build up to Christmas and the lovely Spring bulbs near Mothers Day etc.

It would be such a shame to remove something so obviously important and valuable to our passing trade and High Street.

If you could let me know the outcome I would be most grateful.

Thank you again

Vanessa Strauss

Bright Fox Lettings and Property Management

Sharon Degiorgio

Subject: FW: Mrs Florist

-----Original Message-----

From:
Sent: 19 August 2015 07:18
To: Gary Stevenson
Subject: Mrs Florist

Dear Mr Stevenson,

I am writing as I have heard that Mrs Florist may have to cease trading in Tunbridge Wells High Street. It would be a terrible shame, the high street needs a florist. Mrs Florist are a fantastic florist. The company is efficient, reliable and the flowers are not only beautiful but extremely good value.

Having Mrs Florist in the high street adds to the beauty of Tunbridge Wells. They add colour and the aroma is wonderful.

Please do not let this happen, Tunbridge Wells High Street needs Mrs Florist.

Yours sincerely
Emma Wood

Sharon Degiorgio

Subject: FW: Mrs Florist trading licence along TW High Street

From: Nikki
Sent: 18 August 2015 23:15
To: Gary Stevenson
Subject: Mrs Florist trading licence along TW High Street

Through social media I have been informed that Mrs Florist may lose their licence so that it can be open for other traders to trade. Is that really a good idea? The Pantiles offers that opportunity for traders. As a business it takes a long time to build up a reputation and people have got used to buying their flowers from the stall. As there aren't any florists along the high street anymore it makes a welcome sight amongst the many estate agents to have such a lovely looking and smelling stall next to Java Bean every weekend. I find it hard to believe that another stall would have such an impact on the public. It is a commercial mistake to impose this as it not only ruins a business that has been built up but is completely impractical. It does not make good business sense at all. I will add that I find as well as the majority of T W the decisions that TWBC make are infuriating.

I do hope that you allow Mrs Florist's business to continue where it is in the future.

Yours faithfully
Nicolette Payne

Sharon Degiorgio

Subject: FW: Mrs Florist

From: Payne & Son - Jo Wicker
Sent: 19 August 2015 11:46
To: Gary Stevenson
Subject: Mrs Florist

Dear Mr Stevenson,

I was very sad to hear that Tunbridge Wells Council are intending to close down the flower stall on the High Street. Mrs Florist always has such a beautiful array of blooms and it is a welcomed sight every Friday & Saturday. The High Street needs diverse businesses and Mrs Florist is just that! Where else can we go for such stunning flowers - Morrison's just ain't the same!!!! Please reconsider the licenses and allow street traders to continue!

Yours sincerely
Joanne Wicker

Sharon Degiorgio

Subject: FW: Please Help SAVE Mrs Florist

From: Elaine Robertshaw - Manager Sahara Tunbridge Wells

Sent: 19 August 2015 12:12

To:

Cc: Gary Stevenson

Subject: RE: Please Help SAVE Mrs Florist

Good morning Jo

I think it's outrageous that the council suddenly decide to put a stop to a lovely successful business that cheers up the high street and is bringing customers down this end of town!

The flowers always look so beautiful and colourful and as long as Mr Shepherd is happy for them to use his forecourt, I think it's really miserable of the council to put an end to their trading!

I'm going to be away when the meeting takes place in September but I hope Dawn manages to persuade the council to allow them to continue to trade with their very lovely and successful business!

Good luck!!.....

xx

Elaine Robertshaw
Manager

Sahara

75-77 High Street | Tunbridge Wells | TN1 1XZ

Tel: 01892 536 638

Email: elaine.robertshaw@saharalondon.com

Web: www.saharalondon.com

From: Payne & Son - Jo Wicker

Sent: 19 August 2015 10:46

To:

Subject: Please Help SAVE Mrs Florist

Tunbridge Wells Council have asked Mrs Florist to cease trading at the end of the year!

They made their determination to end street trading based on a low take up for stalls in the Calverley Road area.

It took over three years to get the permission originally and they took it away in one meeting without exploring why the take up is low and how they could encourage more enterprise in our lovely town!

They are meeting again at 6pm Tuesday 8th September and have agreed to bring the issue before the council members for debate so Dawn will have an opportunity to defend her corner along with anyone else who has registered to speak.

Dawn hopes to be able to persuade them to keep the street trading permissions in place as they have tremendous support from both local residents and shops and visitors to the town. There has been no negative feedback or issues and it seems completely unfair to withdraw the license without exploring why the take up has been low. At present only being allowed to be there 2 days a week makes it difficult for a small business as what are they to do with their stock for the other five, it is very labour intensive setting up stalls in all weathers and

Appendix D

the locations they are allowing stalls to be for other traders are at the 'wrong' end of Calverley Street where there is little passing trade and many empty shops.

Mrs Florist's location is unique as its on Mr Shepherds private courtyard but they still need permission to be there from the council.

Dawn and all the Mrs Florist staff would be very grateful if you are able to email the head Licensing Officer with your support - it would be very much appreciated.

He is gary.stevenson@midkent.gov.uk and hopefully this combined with our petition which has almost 200 signatures since Saturday will help persuade the council to support enterprise and even extend it!

Many thanks

Jo

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